

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

|                          |   |              |
|--------------------------|---|--------------|
| BRENDA KAY ROBINSON,     | ) |              |
|                          | ) |              |
| Plaintiff,               | ) |              |
|                          | ) |              |
| vs.                      | ) | CIV-12-432-L |
|                          | ) |              |
| MICHAEL J. ASTRUE,       | ) |              |
| Commissioner of Social   | ) |              |
| Security Administration, | ) |              |
|                          | ) |              |
| Defendant.               | ) |              |

REPORT AND RECOMMENDATION

Plaintiff has filed an application to proceed without prepayment of fees and supporting affidavit. Having reviewed said application and affidavit, the undersigned finds that Plaintiff has sufficient financial resources to pay the filing fee. Because she does not qualify for authorization to proceed without prepayment of the filing fee, Plaintiff's application should be denied, and she should be required to pay the full filing fee for this action to proceed.

RECOMMENDATION

Based on the foregoing findings, it is recommended that the application to proceed without prepayment of fees be DENIED and the action be dismissed without prejudice unless

Plaintiff pays the full filing fee to the Clerk of the Court by May 9<sup>th</sup>, 2012. Plaintiff is advised of her right to file an objection to this Report and Recommendation with the Clerk of this Court by May 9<sup>th</sup>, 2012, in accordance with 28 U.S.C. §636 and LCvR 72.1. The failure to timely object to this Report and Recommendation would waive appellate review of the recommended ruling. Moore v. United States of America, 950 F.2d 656 (10th Cir. 1991); cf. Marshall v. Chater, 75 F.3d 1421, 1426 (10<sup>th</sup> Cir. 1996) (“Issues raised for the first time in objections to the magistrate judge’s recommendation are deemed waived.”).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 19<sup>th</sup> day of April, 2012.

  
GARY M. PURCELL  
UNITED STATES MAGISTRATE JUDGE